

# ELECTRONIC CASE FILING IN THE DISTRICT OF MASSACHUSETTS

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Electronic commerce is very common in the business world today and is beginning to become more common in the public sector, as well, including the judiciary. Although, the federal courts have had automated docketing and case management systems in place for a number of years, we are now entering a new era of electronic access to court records. Nationally, the federal courts are in the initial phase of implementing a new electronic docketing and filing system called Case Management/Electronic Case Filing (CM/ECF). When fully implemented in the courts, this program will allow electronic filing and service of documents by judges, court staff, attorneys, etc., as well as electronic access to these documents through the Internet.

In order to prepare for the implementation of this program in the District of Massachusetts, the court has established a CM/ECF Organizing Committee. This committee is chaired by Judge Nancy Gertner, the Court's liaison judge for automation. The committee was organized in July 2001 and has met several times since then. The mission of the Organizing Committee is to prepare the District for eventual implementation of the new CM/ECF program. CM/ECF will replace the existing case management systems in the federal courts (e.g., ICMS for district courts and BANCAP for bankruptcy courts).

In addition to Judge Gertner, there are now 32 members on the committee, including court staff from both the district and bankruptcy courts, federal district and magistrate judges, a bankruptcy court judge, state court judges, attorneys from various law firms, and a professor of MIS. As we began the dialog between the various components of the legal community, our initial approach towards implementing this technology broadened from focusing on the district court to inclusion of the bankruptcy court and the Massachusetts state courts. The ultimate goal is to establish a single, compatible electronic filing system for the courts state-wide.

As a result of this partnership with the state courts, the bankruptcy court and local law firms, we hope to be able to share the CM/ECF technology and expertise developed through the Administrative Office of the U.S. Courts in Washington. The benefits to the litigants and the legal community of some uniformity in the electronic filing systems would be tremendous. It would make it easier to file documents in a court in the District of Massachusetts, including the state courts without having to be familiar with several different programs. Our efforts, as we continue with this partnership, will be to include the various elements of the legal community in the planning and implementation process.

To date, the organizing committee has established three subcommittees consisting of Outreach/Education, Rules, and Privacy Issues.

The Outreach/Education subcommittee, chaired by Judge Patti B. Saris, will focus

on ways to keep the court, the bar and the public informed about the progress of the CM/ECF program in the district court. As we get involved in the implementation phase of the project this subcommittee will work on programs to educate judges, court staff, the bar and the public on the new system.

The Rules subcommittee, chaired by Judge Douglas P. Woodlock, will be reviewing the current and proposed Federal Rules to determine the need for revisions to our local rules for the implementation of CM/ECF.

The Privacy subcommittee, chaired by Judge Nancy Gertner, will be looking into the privacy issues that are raised as a result of the availability of court records electronically.

There are two main components of CM/ECF consisting of the case management and docketing (CM) portion and the electronic case files (ECF) portion. The CM portion replaces the aging software currently used by most courts with a nationally-supported but flexible system that provides customizable docketing and reporting capabilities. The ECF portion allows courts to manage documents electronically; to provide 24-hour desktop access to court files and dockets by judges, court staff, and the public; and to accept filings over the Internet. Courts are encouraged to fully implement CM/ECF but may choose to only implement the CM portion of the system and make use of the ECF features over time.

According to the current schedule, the bankruptcy court will be the first of the federal courts in the District of Massachusetts to implement CM/ECF. They have already begun the first phase of the readiness process and expect to go live with CM/CF in early 2003.

The District of Massachusetts received formal notification on February 15, 2002 that they will be part of the Wave 9 rollout for CM/ECF which will begin in May 2002. The readiness phase of the project takes about ten months and it is currently anticipated that the district court will be live with the CM portion first in the Spring of 2003 with the ECF portion following several months later.